

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADDENDUM TO INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5,
ARTICLE 3, ADD SECTION 1217.2 AND
ARTICLE 8, ADD SECTION 1263.2

CHARTER PARTY CARRIER BUS SAFETY (CHP-R-2017-06)

REASON FOR THE ADDENDUM

This addendum provides an explanation of text which has been added to or amended from the regulatory text as initially proposed. Also, additional clarifying language has been added to some of the section overviews. Sections which were not changed from the originally proposed text are so indicated.

SECTION BY SECTION OVERVIEW

Title 13 California Code of Regulations, Division 2, Chapter 6.5, Motor Carrier Safety, Article 3, General Driving Requirements

Section 1217.2. Charter Bus Passenger Safety Information.

New Subsection (a) has been amended to reflect recent changes in Section 34505.8 of the California Vehicle Code (CVC), amended in 2017, requiring passengers to wear seatbelts, if available. The intent is to align with the amended CVC section for consistency. Originally, the subsection was added to clarify the applicability of new Section 1217.2. The subsection includes reiteration of statutory verbiage contained in Section 34505.8 of the CVC, in order to clarify the requirements imposed by the section. New Section 1217.2 imposes no additional requirements.

New Subsection (b) has not been amended.

New Subsection (b)(1) has been amended to add quotations around the defined term “All passengers” for clarity. This subsection is necessary to ensure each passenger transported in vehicles described in subsection (a) appropriately receives the passenger safety information required by the subsection.

New Subsection (b)(2) has been amended to add quotations around the defined term “Prior to the beginning of any trip” for clarity. This subsection is necessary to ensure the required safety information is provided in a timely manner and each passenger receives the information before transportation begins, without regard to when the passenger boards the vehicle to begin the trip.

The CHP has determined this clarification is the most effective method to ensure timely dissemination of passenger safety information required by Section 34505.8 CVC.

New Subsection (b)(3) has been amended to add quotations around the defined term “All exits” for clarity. This clarification is necessary to specify that any door, window, roof exit, or other means by which a passenger could exit the vehicle is included in the requirement contained in subsection (a), for passenger demonstration of the location and operation of all exits. The CHP has determined this is the most effective method to ensure each passenger receives safety information regarding the location and operation of every escape route.

New Subsection (b)(4) has been amended to add quotations around the defined term “Written instructions” for clarity. Additionally, verbiage has been changed to reflect that the information in the written instructions shall be presented in the specified format provided pursuant to Section 34505.8 CVC. The CHP has determined this level of clarification is the best method to ensure that written safety instructions, provided to passengers to ensure escape in the event of an emergency, deliver clear and legible instructions, and remain in good, legible condition with repeated passenger handling.

Article 8, General Equipment Requirements.

Section 1263.2. Charter Party Carrier Bus Safety.

New Subsection (a) has not been amended.

New Subsection (a)(1) has not been amended.

New Subsection (a)(2) has been amended to remove the comma after “Emergency lighting fixture” to correct a minor grammatical error. The subsection is necessary to specify required mounting locations of emergency lighting fixtures in specified buses as required by Section 27425 CVC. This subsection provides prohibitions for the fixtures, including mounting locations which interfere with passenger ingress, egress, or comfort, and sharp edges or protrusions which may cause injury or damage. These requirements have been determined by the CHP to meet the requirements of Section 27425 CVC, while ensuring passenger safety and comfort related to installed emergency lighting fixtures.

New Subsection (a)(2)(A) has not been amended.

New Subsection (a)(3) has been amended to clarify the reference “subsection (a)(5),” referring to emergency lighting fixtures, which illuminate automatically, and must remain illuminated until all passengers have exited or been evacuated from the interior of the bus. This is necessary to ensure the lighting is illuminated for a sufficient duration that would allow for all passengers to evacuate in the event of an impact or collision. This has been determined by the CHP to be the most effective standard to support improved interior visibility in support of safety, and effective facilitation of evacuation of passengers in the event of an emergency.

New Subsection (a)(4) has not been amended.

New Subsection (a)(5) has not been amended.

New Subsection (a)(6) has not been amended.

New Subsection (a)(7) has been amended to clarify the reference “subsection (a)(5),” referring to the automatic illumination of emergency lighting fixtures. This subsection is necessary to permit manual illumination of required emergency lighting fixtures in order to clarify that the lighting fixtures are not limited to use in an emergency. Sufficient interior lighting of buses in support of passenger safety may be necessary or desired by passengers during events other than emergency egress. As a result, the CHP has determined permitting manual illumination of required emergency fixtures supports and facilitates passenger safety.

New Subsection (a)(8) has been amended by removing all to correct a grammatical error. Additionally, the verbiage in this statement has been amended for further clarification. This subsection is necessary to clarify that required emergency lighting fixtures must be installed in a manner consistent with any applicable Federal Motor Vehicle Safety Standards (FMVSS) in effect at the time of installation. This specification serves to clarify with which FMVSS installed emergency lighting fixtures must comply. This subsection will prohibit the installation of emergency lighting which conflicts with any FMVSS, whether the required lighting is installed at the time of manufacture, or is installed after the manufacture date of a bus subject to these requirements. For example, if the owner of a bus manufactured on July 1, 2020, installs emergency exit lighting in 2025, the installation must meet, and not conflict with, any FMVSS, applicable to buses, in 2025. The CHP has determined this requirement will ensure the most current, safest possible installation and type of emergency lighting fixtures possible, as outlined within the FMVSS. This specification effectively prohibits installation of emergency lighting fixtures which meet prior FMVSS specifications, but do not meet current FMVSS specifications at the time of installation.

New Subsection (b) has not been amended; however, the verbiage in this statement has been modified for further clarification. The FMVSS, declared by the National Highway Transportation Safety Administration (NHTSA), apply to manufacturers of motor vehicles to ensure vehicles are built using technology which will reasonably provide the highest level of safety to the public through the prevention and survivability of vehicle crashes. Since the FMVSS does not apply to end users of vehicles, manufacturers are required to certify a vehicle complies with all applicable FMVSS on specified vehicle labels which notify the end user that the vehicle met the minimum NHTSA safety requirements when it was built.

This subsection is intended to clarify the “applicable” FMVSS in Section 27425(b) CVC, and specifies that buses defined in Title 13 California Code of Regulations (CCR), Section 1263.2(a) must be maintained to all FMVSS in effect at the time of bus manufacture. The subsection reiterates, in part, requirements contained in Section 27425(b) CVC in order to specify the FMVSS to which the bus must be maintained. Additionally, the subsection requires the bus to be maintained to those FMVSS upon implementation and continuously thereafter. This subsection is not intended to require motor carriers to ensure buses are continually updated to comply with any newly enacted FMVSS. This clarification has been determined by the CHP to be the most effective standard to ensure compliance with Section 27425(b) CVC.

New Subsection (b)(1) has not been amended; however, the verbiage in this statement has been modified for further clarification. Since the FMVSS apply to vehicle manufacturers, this subsection is intended to prohibit motor carriers from modifying buses, defined in Title 13 CCR, Section 1263.2(a), in a manner which disables, removes, or renders ineffective any device or element of design required by any applicable FMVSS at the time of manufacture. This is necessary to make clear that no person may cause such change at any time, which will render the bus noncompliant with any applicable FMVSS, to which the bus was built. This requirement is necessary to make clear the requirements of Section 27425 CVC and has been determined by the CHP to be the most effective clarification to ensure compliance with statutory requirements in the interest of passenger safety.